

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED TARIFF FILING OF SOUTH CENTRAL )	
BELL TELEPHONE COMPANY FOR TOUCHSTAR )	CASE NO. 93-135
SERVICE CALLER ID - DELUXE )	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed September 20, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost and market studies and demand analysis contained in its responses to the first set of data requests of the Attorney General, Item Nos. 1, 3, 4, and 9(c) on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell filed the proposed tariff for its service referred to as Touch Star Service Caller ID - Deluxe. In response to data requests from the Attorney General, South Central Bell has filed cost and market studies and demand analyses concerning its Caller ID and Caller ID - Deluxe services. By this petition, South Central Bell seeks to protect this information as confidential. The information sought to be protected is not known outside of South Central Bell and is disseminated within South Central Bell to only those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve

and protect the confidentiality of this information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for Caller ID services consist primarily of customer premises equipment providers whose equipment can provide similar functions. Additionally, several interexchange carriers offer services which provide automatic number identification capabilities to business customers. These competitors could use the cost studies to determine cost and contribution levels associated with Caller ID service. This information would also provide competitors with a price below which South Central Bell cannot provide this service.

The marketing and demand studies it disclosed would provide competitors insight into the potential revenue from the service as well as identify lucrative market segments. Competitors could use this information in marketing their competing services. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost and market studies and demand analyses contained in South Central Bell's response to the Attorney General's request, Item Nos. 1, 3, 4, and 9(c), which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 20th day of October, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director